The New York Times


1867


1868


1876


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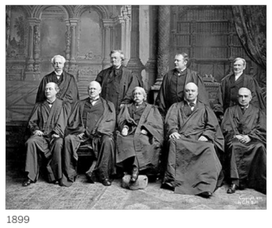
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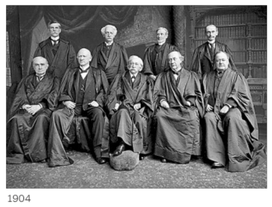
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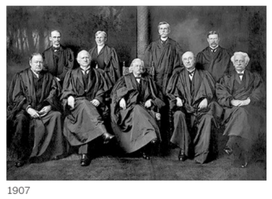
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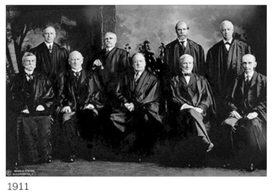
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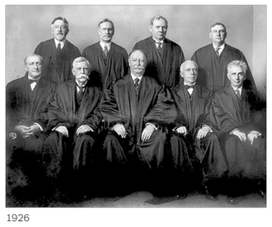
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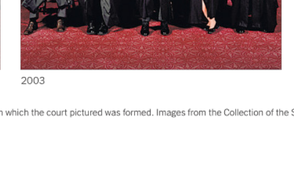
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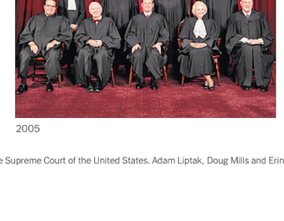
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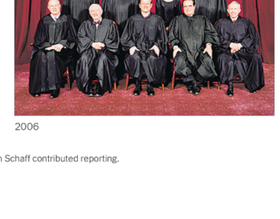
1943


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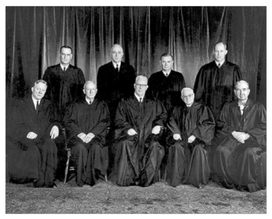
1958


1962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2017


2018


2021

'For a long time, these portraits were the only way we saw what the justices looked like and saw them interact with each other. So these portraits have real power.'

BRAD SNYDER, a law professor at Georgetown University.

The Supreme Court's class photo tells a story. Here's how to see it.


2022

The Portrait of Justice

By LARRY BUCHANAN and MATT STEVENS

For more than 150 years, Supreme Court justices have gathered for a portrait when a new court forms, sitting for dozens of remarkably similar photos that unfurl a history of the judicial branch dating to the 1860s. The latest portrait in the long lineage was released this month.

The new group photo reflects the Supreme Court's changing makeup: There are four women and three people of color, including Justice Ketanji Brown Jackson, who just became the first Black woman to serve on the court.

These portraits serve to put a face on the federal government's most faceless branch, which makes decisions that shape American life in profound ways but which never conducts its business on television. Just last term the Supreme Court eliminated the constitutional right to seek an abortion, ruled that people have a broad right to carry guns in public, and limited efforts to regulate carbon emissions from power plants.

"For a long time, these portraits were the only way we saw what the justices looked like and saw them interact with each other," said Brad Snyder, a law professor at Georgetown University. "So these portraits have real power."

At first glance it may not seem like there is much to see in these 58 portraits. Most of them capture nine people, in the same arrangement, in a similar setting. But they have a story to tell.

Continued on Following Page

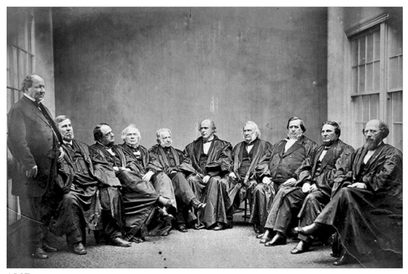
Note: Labels indicate the year a portrait was taken, not the year in which the court pictured was formed. Images from the Collection of the Supreme Court of the United States. Adam Liptak, Doug Mills and Erin Schaff contributed reporting.

The Portrait of Justice

From Preceding Page

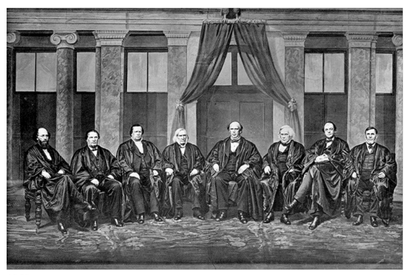
Early Years

THIS IS THE FIRST photo of the court, taken in 1867. It includes the nine justices and, on the far left, the clerk of the court.



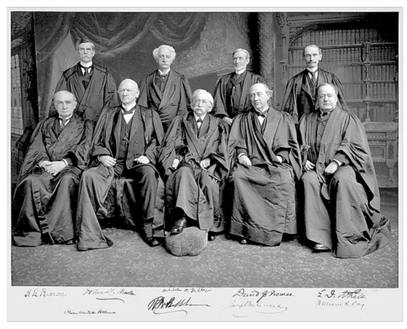
1867

Photography as a medium was just starting to become more prevalent in those days. Some of the earliest court portraits were taken by renowned photographers at their private studios. For instance, Mathew Brady, the famed Civil War and portrait photographer, shot this next picture. The justices were actually photographed separately or in small groups and put together in a composite image:



1868

The prints were often purchased by tourists, autograph collectors or lawyers who sought the items as collectibles.



1904

A Choreographed Arrangement

THE COURT PORTRAIT IS, in some ways, pedestrian. It may remind you of a class picture, or a family portrait, or a photo of a T-ball team suited up, ready to take the field.

It didn't take long for the justices and their photographers to settle on an enduring, highly choreographed arrangement for the portraits. By the late 1800s they had abandoned the single-row strategy. Moving forward they would form two rows: five justices seated and four standing behind them.

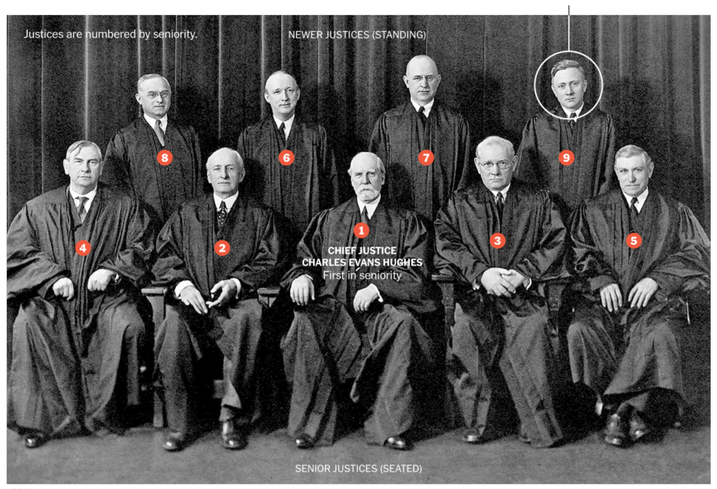
To determine who sits and who stands, the justices rely on what Clare Cushman, the publications director at the Supreme Court Historical Society, called "the organizing principle of the entire judiciary": seniority.

FLUVANNA SPORTS PHOTOGRAPHY

Consider this portrait of the court.

The justices are positioned based on seniority, in an alternating pattern: newer justices stand in the back, senior justices sit in the front and the chief justice is always in the center chair. New justices enter the photo by standing in the top right. Over time, they move from the edge of the frame toward the center as justices leave and new justices join.

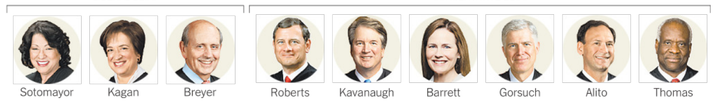
Justice William O. Douglas, the most junior justice in the image below, eventually became the court's longest-serving justice ever. He was appointed by President Franklin D. Roosevelt in 1939 and retired in 1975, after 36 years on the bench.



1939

"You can watch the justices change and age over time," said Todd C. Peppers, a professor at Roanoke College who studies the Supreme Court. "You may be relieved that you've finally got a chair, but by the time you get a chair, because of seniority, it means you're closer to the end than you are to the beginning."

The photographs are organized by seniority rather than political ideology.

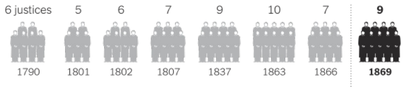


News organizations will often group the justices by presidential appointment, or arrange them along a liberal-to-conservative spectrum, as seen above with the 2020 court. But by relying on this unusual seniority pattern, the justices have helped scramble themselves a bit in these portraits. There is no easy way to scan the photos and sort them (unless you know the code).

A Uniform and Uniformity

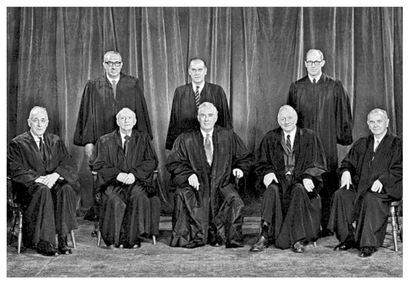
THE FIRST GROUP PHOTOGRAPH of the Supreme Court was taken at a time when it was transitioning from 10 members to seven as vacancies occurred. It just so happened that the court had nine members when that first portrait was taken.

Changes to the size of the court



1867
FIRST GROUP PORTRAIT

The Judiciary Act of 1869 bumped the number of seats authorized by Congress back up from seven to nine, where it remains today. So almost all of the court's official photographs have shown nine members. In recent years, confirmation fights and controversial decisions have stoked debate about expanding the court.



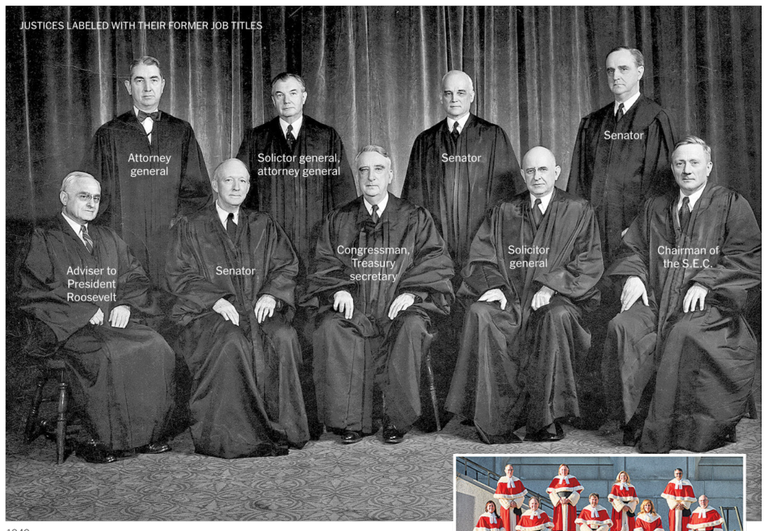
1970

Do you notice anything different about this portrait?

In this image taken in 1970, the court posed with just eight justices. It had taken about a year to fill an empty seat and the court wanted to commemorate the group that had sat together for such an extended time.

The black robes can have a flattening effect.

If you look quickly, or from a distance, the black robes can appear to overlap, blending together into a mass that can make nine people appear more like a single body. "We wear black robes because we are speaking for the law, not for ourselves as individuals," Justice Stephen G. Breyer said during a Senate Judiciary Committee hearing in 2011.



1949

For many years, Supreme Court justices often came from public life, not the bench. Many of them worked at the highest levels of the federal government before coming to the court. "These are a bunch of politicians who are now in robes," said Professor Snyder, who has written a new biography of one of the justices pictured above, Justice Felix Frankfurter, seated at left.

SUPREME COURT OF CANADA COLLECTION

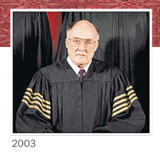
The black robes that U.S. Supreme Court justices wear are a choice. There is no dress code on the court — just the weight of tradition to consider. Here is the Supreme Court of Canada.

Deviating From the Norm

JUSTICE RUTH BADER GINSBURG often wore a collar, in part because, as she said, "the standard robe is made for a man." In the portrait below, both Justice Ginsburg and Justice Sandra Day O'Connor are wearing decorative lace jabots, or ruffles.

1994

The justices do occasionally go off script when sitting for the portrait. News photographers get two minutes to shoot the justices the same day as the official portrait is taken. Sometimes media outlets release the photographers' outtakes, showing a different side of a normally stoic proceeding. These photos might capture a moment of candor or pull back and offer a fuller view of the court's east conference room.



2003

In a portrait of the same court, nine years later, Chief Justice William H. Rehnquist, inspired by a robe he had seen in a Gilbert and Sullivan operetta, has added four gold stripes on each sleeve of his robe.

JIM YOUNG/REUTERS

ERIN SCHAFF/THE NEW YORK TIMES

IN SOME CASES, a photographer's test shot might catch different subjects in the same setting, as in 1976, when the Supreme Court's building support staff sat for a portrait while preparing for the official photo. It is a striking, rare image in which we see other people in the places reserved for Supreme Court justices.

VIA THE SUPREME COURT

Historical Connections

THE COURT CHANGES SLOWLY — one person at a time, never fully turning over, each portrait only slightly different from the last. The portraits can serve as a connector: of courts, of justices, of time.

Consider the court's recent decision on abortion, Dobbs v. Jackson Women's Health Organization, which overturned Roe v. Wade. Almost 50 years passed between those two decisions. But the court that overturned Roe and the court that decided it can be linked to each other through two justices.

Tracing justices who overlapped, we can connect more than 150 years of the court's history. It takes just seven portraits to get from the current court back to the first court photographed in 1867. In some ways the Supreme Court has changed a lot since then. In other ways it has stayed very much the same. Just look at the portraits.